

ENTERED

October 18, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RUSHELL A SOMERS

§

VS.

§

CIVIL ACTION NO. 4:19-CV-390

UT MD ANDERSON CANCER CENTER

§

ORDER ADOPTING MEMORANDUM AND ORDER

Pending before the Court is Defendant's Motion for Partial Dismissal (Doc. No. 16) to dismiss Plaintiff's Title VII race discrimination claim for failure to state a claim; and, Judge Stacy's Memorandum and Recommendation (Doc. No. 18) that the Court grant the Defendant's Motion. Plaintiff did not respond to Defendant's Motion, nor were objections filed to the Memorandum and Recommendation.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Plaintiff Rushell Somers has not stated a plausible race discrimination claim in her Amended Complaint (Doc. No. 16). Therefore, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Plaintiff's Title VII claim of race discrimination will be dismissed. Accordingly, it is hereby

ORDERED that the Memorandum and Recommendation (Doc. No. 18) is **ADOPTED**, and The University of Texas MD Anderson Cancer Center's Motion for Partial Dismissal (Doc. No. 16) is **GRANTED**. It is further

ORDERED that Plaintiff's Title VII claim of race discrimination is **DISMISSED**.

SIGNED at Houston, Texas, this 17th day of October 2019.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE